

REMARKS**I. Status of the Claims**

Claims 1, 2, 4, 6-8, 11-13 and 19-22 are currently pending.

By this Amendment, claims 1, 12, 20 have been amended. Upon entry of the Amendment, claims 1, 2, 4, 6-8, 11-13 and 19-22 would be pending. No new matter has been introduced by this Amendment.

II. Rejections Under 35 U.S.C. §103

1. Claims 1, 4, 6-8, 11, 12 and 19-22 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harris et al. (U.S. Patent No. 6,331,972), and further in view of Lee et al. (U.S. Patent No. 6,018,717).

2. Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris et al., and Lee et al, as in claim 1 and further in view of Kamel (U.S. Patent No. 6,009,150).

III. Applicant's Reply

The Applicants have amended their claims to expressly recite "said personal communication device containing no writable storage," to emphasize that the personal communication device does not have any read-write storage internal to the personal communication device. The Applicants' claimed invention solves the problem of not having any writable storage in the personal communication device by performing the steps of issuing a create counter request by the secure module to the second storage device; sending a unique ID identifying a current counter value from the second storage device to the secure module; computing an encrypted envelope of the unique ID with the secured module by applying a cryptographic transform to the unique ID; and writing a state value and the encrypted envelope of the unique ID to the third storage device. In this manner, a trusted counter can be

implemented in a personal communication device without the need for read-write storage internal to the personal communication device.

The Lee US 6,018,717 patent discloses two smart cards in their Figure 2. The first smart card is a consumer's smart card 12 that is read by a reader 30 in a turnstile 40 that has a read-write buffer memory 50. The second smart card is a security card 64 that is read by the security card handler 62 in a terminal 60 that has a read-write store 66. Lee was not confronted with the problem solved by the Applicants' claimed invention, i.e. the problem of trying to implement a trusted counter in a personal communication device that does not have any read-write storage internal to the device. Lee fails to disclose or suggest the above-described feature claimed by the Applicants.

The Harris US 6,331,972 patent discloses portable wireless communications device 21 in Fig. 2 with a read-write memory 42 that stores data in step 360 of Fig. 22. Harris was not confronted with the problem solved by the Applicants' claimed invention, i.e. the problem of trying to implement a trusted counter in a personal communication device that does not have any read-write storage internal to the device. Harris fails to disclose or suggest the above-described feature claimed by the Applicants.

The Kamel US 6,009,150 patent discloses counting the number of times that a PIN has been erroneously entered. Kamel was not confronted with the problem solved by the Applicants' claimed invention, i.e. the problem of trying to implement a trusted counter in a personal communication device that does not have any read-write storage internal to the device. Kamel fails to disclose or suggest the above-described feature claimed by the Applicants. fails to disclose or suggest the above-described feature claimed by the Applicants.

The combination of Harris et al. in view of Lee et al. fails to disclose or suggest the above-described feature claimed by the Applicants. The combination of Harris et al., and Lee et al, and further in view of Kamel fails to disclose or suggest the above-described feature claimed by the Applicants. Accordingly, the Applicants respectfully request the rejection of their claims on these grounds be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of the application.

AUTHORIZATION

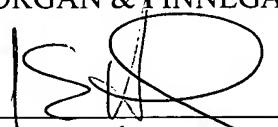
The Commissioner is hereby authorized to charge any additional fees that may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4034US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4034US1.

Dated: 6/30/2006

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

By:


John E. Hoel
Registration No. 26,279
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101